

Application Number 09/731,385
Amendment dated March 5, 2004
Reply to Office Action of December 9, 2003

REMARKS

Claims 1-11 and 14-15 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states that there is no support in the specification for the claimed limitation of a first insulation layer being located throughout the entire distance between adjacent conductive patterns, since the first insulation layer is not present where the second conductive layer is located. Claim 1 has been amended to clarify that the first insulation layer has a planar top surface throughout the distance between at least one of the conductive patterns and the second conductive layer. This subject matter has support in the specification and drawings as filed. For example, with reference to Figure 1, the first insulation layer 8 has a planer top surface that extends between at least one of the conductive patterns 4, 6 and the second conductive layer 16. It is believed that the rejection of the claims under 35 U.S.C. § 112, first paragraph, is overcome, and reconsideration of the rejection is requested.

Claims 1- 8, 10 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nguyen (U.S. Patent No. 6,472,261). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatenable over Nguyen. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatenable over Nguyen. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatenable over Nguyen in view of Huang (U.S. Patent No. 5,899,722). In view of the amendments to the claims and the following remarks, the rejections are respectfully traversed, and reconsideration of the rejections is requested.

With reference to Figure 6 of Nguyen, the examiner cites a thermal oxide layer 22 as the applicants' claimed first insulation layer. Likewise, a polycrystalline silicon layer 14 is cited as the applicants' claimed conductive patterns, and the plug 42 is cited as the applicants' second conductive layer. Assuming only for the sake of this argument that those analogies are valid, it is clear that the Nguyen thermal oxide layer 22 does not have a planer top surface that extends the entire distance between the polycrystalline silicon layer 14 and the plug 42. Therefore, Nguyen does not teach or suggest the applicants' claimed first insulation layer having a planer top surface throughout the entire distance between at least one conductive pattern and the second conductive

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layer, as now set forth in the amended claims.

Since Nguyen fails to teach or suggest the invention set forth of the amended claims, it is believed that the claims are allowable over Nguyen. Accordingly, reconsideration of the rejections of claims 1-8, 10 and 15 under 35 U.S.C. § 102(e) and the rejections of claims 9 and 11 under 35 U.S.C. § 103(a) based on Nguyen is respectfully requested.

With regard to the rejection of claim 14, the Huang patent also fails to teach or suggest the invention set forth in amended claims. Specifically, Huang does not teach or suggest the applicants' claimed first and second insulation layers, wherein the second insulation layer has a spacer shape that is formed over the first insulation layer, the first and second layers being formed of different insulating materials. Also, Huang fails to teach or suggest the applicants' claimed first insulation layer extending between adjacent conductive patterns in between the second conductive layer and the conductive patterns and having a planer top surface throughout the entire distance between at least one of the conductive patterns and the second conductive layer.

As noted above, Nguyen fails to teach or suggest the invention set forth in the amended claims. Specifically, Nguyen fails to teach or suggest the applicants' claimed first insulation layer having a planer top surface throughout the entire distance between a conductive pattern and a second conductive layer.

Since neither reference teaches or suggests the features of the claimed invention, there is no combination of the references which could result in providing such teaching or suggestion. Accordingly, it is believed that the claims are allowable over the cited Nguyen and Huang patents. Therefore, reconsideration of the rejection of claim 14 under 35 U.S.C. § 103(a) based on Nguyen and Huang is respectfully requested.

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In view of the amendments to the claims and the foregoing remarks, it is believed that all claims pending in the application are in condition for allowance, and such allowance is respectfully solicited. If a telephone conference will expedite prosecution of the application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Date: 3/5/04
Mills & Onello, LLP
Eleven Beacon Street, Suite 605
Boston, MA 02108
Telephone: (617) 994-4900
Facsimile: (617) 742-7774


Steven M. Mills
Registration Number 36,610
Attorney for Applicants

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